

In re the application of Kenneth Rhodes, et al.

Case Docket No. MNI-070CP4

Serial No. 09/670,756

Filed: September 27, 2000

For: Potassium Channel Interactors and Uses Therefor

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COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified application are the following:

- ☒ Response to Restriction Requirement including Appendix A (5 pages total);
- ☒ Request for One-Month Extension of Time;
- ☒ Statement of Limited Recognition Under 37 CFR §10.9(b) for Maria Laccotripe Zacharakis; and
- ☒ Return mailroom postcard.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		RATE	ADDIT. FEE
TOTAL	* 24	MINUS	** 54	0	x 9	\$ 0.00		x 18	\$ 0.00
INDEP.	* 12	MINUS	*** 12	0	x 42	\$ 0.00		x 84	\$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					x 140	\$ 0.00		x 280	\$ 0.00
					TOTAL ADDIT. FEE	\$ 0.00	OR	TOTAL	\$ 0.00

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A check in the amount of _____ is enclosed for presentation of extra claims.
- ☐ A check in the amount of _____ is enclosed for .
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
 - ☐ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
 - ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ Please charge any additional fees or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed. Applicants request any extensions of time necessary to respond.

Enclosed are the payment of the fees for the presentation of extra claims. If the enclosed payment is being deposited with the United States Postal Service, a first class mail in an envelope, please indicate the amount of the payment in the space below.

Washington, DC 20231 on

Date September 23, 2002

Maria Laccotripe Zacharakis, Ph.D. Limited Recognition Under 37 CFR §10.9(b)

Attorney in Fact

By Maria Laccotripe Zacharakis
Maria Laccotripe Zacharakis, Ph.D.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Rhodes, K. *et al.*

Serial No.: 09/670,756

Filed: September 27, 2000

For: *POTASSIUM CHANNEL INTERACTORS AND
USES THEREFOR*

Attorney Docket No.: MNI-070CP4

Group Art Unit: 1653

Examiner: Murphy, Joseph F.

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Commissioner for Patents
Washington, D.C. 20231

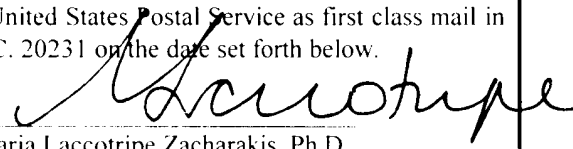
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Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

September 23, 2002
Date of Signature and of Mail Deposit

By:


Maria Laccotripe Zacharakis, Ph.D.
Attorney for Applicants
Limited Recognition Under 37 C.F.R. §10.9(b)

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated July 23, 2002 (Paper No. 11). A request for the appropriate extension of time is being filed herewith.

The Examiner has required restriction to one of the following groups under 35 U.S.C. §121:

Group I (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:14;

Group II (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:16;

Group III (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:18;

Group IV (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:20;

Group V (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence set forth in SEQ ID NO:22;

Group VI (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:24;

Group VII (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:26;

Group VIII (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:28; and

Group IX (claims 8, 10, and 55-65) Drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:30.

Applicants hereby elect the Group IV invention (claims 8, 10, and 55-65 drawn to a peptide with an amino acid sequence as set forth in SEQ ID NO:20) for prosecution in this application, with traverse. Applicants traverse the restriction between the inventions of Groups I, IV, and VI. Applicants respectfully submit that the inventions of Groups I, IV, and VI are all directed toward KchIP2 molecules.

The M.P.E.P. states

[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent of distinct inventions.
MPEP§803

space variants SEQ ID NO:20. These polypeptides have 182 identical amino acid residues and differ in amino acid sequence only at their N-terminus (See Appendix A). Further, these polypeptides exhibit similar ability to modulate Kv4 potassium channels. As such, the searches

with regard to these inventions would be co-extensive with the search of Group IV and would not involve a serious burden on the Examiner.

Moreover, pursuant to the policy set forth in 1192 O.G.68, a reasonable number of nucleotide sequences is allowed to be claimed in a single application. It has been determined that normally ten sequences constitute a reasonable number for examination purposes and, thus, up to ten independent and distinct sequences are often examined in a single application without restriction. M.P.E.P. § 803.4

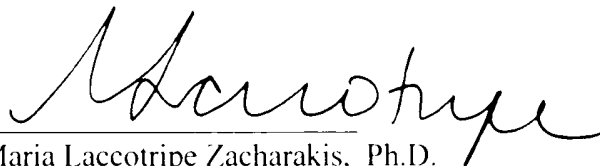
Applicants therefore request that the examiner examines Groups I, IV, and VI.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,



Maria Laccotripe Zacharakis, Ph.D.
Attorney for Applicants
Limited Recognition Under 37 C.F.R. §10.9(b)

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28 State Street
Boston, MA 02109
Tel: (617) 227-7400

Dated: September 23, 2002

Appendix A

CLUSTAL W (1.74) Multiple Sequence Alignments

Sequence format is Pearson
Sequence 1: KChIP2-9qs 220 aa
Sequence 2: KChIP2-9qm 252 aa
Sequence 3: KChIP2-9ql 270 aa
Start of Pairwise alignments
Aligning...
Sequences (1:2) Aligned. Score: 99
Sequences (1:3) Aligned. Score: 99
Sequences (2:3) Aligned. Score: 99
Guide tree file created:
[/var/tmp/FaiDefaultManager_155_TXAG67d3_.dnd]
Start of Multiple Alignment
There are 2 groups
Aligning...
Group 1: Sequences: 2 Score:1986
Group 2: Sequences: 3 Score:2093
Alignment Score 4276
GCG-Alignment file created [/tmp/12553.out]

FileUp

MSF: 270 Type: P Check: 2762 ..

Name: KChIP2-9qs oo Len: 270 Check: 5982 Weight: 0.333
Name: KChIP2-9qm oo Len: 270 Check: 5040 Weight: 0.333
Name: KChIP2-9ql oo Len: 270 Check: 1740 Weight: 0.100

//

KChIP2-9qs MRGQGRKESL SDSRDLGSGY DQLT.....
KChIP2-9qm MRGQGRKESL SDSRDLGSGY DQLTGHPPGP TKKALKQRFL KLLPCCGPQA
KChIP2-9ql MRGQGRKESL SDSRDLGSGY DQLTGHPPGP TKKALKQRFL KLLPCCGPQA

KChIP2-9qsDSVDDE FELSTVCHRP EGLEQLQEQT
KChIP2-9qm LPSVSE....NSVDDE FELSTVCHRP EGLEQLQEQT
KChIP2-9ql LPSVSETLAA PASLRPHRPR LLDPDSDVDDE FELSTVCHRP EGLEQLQEQT

KChIP2-9qs KFTRKELQVL YRGFKNECPG GIVNEENFKQ IYSQFFPQGD SSTYATFLFN
KChIP2-9qm KFTRKELQVL YRGFKNECPG GIVNEENFKQ IYSQFFPQGD SSTYATFLFN
KChIP2-9ql KFTRKELQVL YRGFKNECPG GIVNEENFKQ IYSQFFPQGD SSTYATFLFN

KChIP2-9qs AFDTNHDSGY SFEDFVAGLS VILPSTVDEE LNWAFLNYEL NEDGCIITKEE
KChIP2-9qm AFDTNHDSGY SFEDFVAGLS VILPSTVDEE LNWAFLNYEL NEDGCIITKEE

KChIP2-9ql AFDTNHDGSV SFEDFVAGLS VILRGTVDDR LNWAFNLYDL NKDGCITKEE

KChIP2-9qs MLDIMKSIYD MMGKYTYPAL REEAPREHVE SFFQKMDRKN DGVVTIEEFI
KChIP2-9qm MLDIMKSIYD MMGKYTYPAL REEAPREHVE SFFQKMDRKN DGVVTIEEFI
KChIP2-9ql MLDIMKSIYD MMGKYTYPAL REEAPREHVE SFFQKMDRKN DGVVTIEEFI

KChIP2-9qs ESCQKDENIM RSMQLFDNVI
KChIP2-9qm ESCQKDENIM RSMQLFDNVI
KChIP2-9ql ESCQKDENIM RSMQLFDNVI



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
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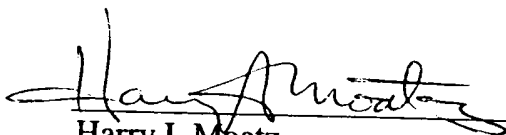
LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

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Maria C. Laccotripe Zacharakis is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Lahive & Cockfield, LLP, to prepare and prosecute patent applications where the patent applicant is the client of Lahive & Cockfield, LLP, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Lahive & Cockfield, LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Maria C. Laccotripe Zacharakis ceases to lawfully reside in the United States, (ii) Maria C. Laccotripe Zacharakis' employment with Lahive & Cockfield, LLP ceases or is terminated, or (iii) Maria C. Laccotripe Zacharakis ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: August 5, 2003


Harry I. Moatz
Director of Enrollment and Discipline